

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**  
\_\_\_\_\_ **DIVISION**

**UNITED STATES OF AMERICA**

v.

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Defendant(s).

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Case No. \_\_\_\_\_

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**ORDER RE JURY SELECTION**

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By: James P. Jones

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United States District Judge

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The trial of this case is scheduled to begin on \_\_\_\_\_. In order to administer the trial of this case in a manner that is fair, just, and efficient, it is **ORDERED** as follows:

The jury will be selected immediately prior to trial using the “struck jury” method and all members of the jury venire called for the trial—usually from thirty to forty persons—are normally subjected to voir dire. A list of the jurors to be called for the case is sent to counsel by the clerk approximately one week prior to trial. Potential jurors will be seated in alphabetical order. The attorneys will be permitted to conduct voir dire after preliminary questions from the court. Counsel should keep in mind that the purpose of voir dire is “to allow for the impaneling of a fair and impartial jury through questions which permit the intelligent exercise of challenges by counsel.” *United States v. Brown*, 799 F.2d 134, 135 (4th Cir. 1986). Following voir dire, any party having any challenge for cause must make known to the court that a side bar conference is needed, or it will be assumed that there are no such challenges.

The parties will then strike the jury, using alternative strikes on a single jury list. Depending on how many jury panel members are left, the court will grant additional preemptory challenges to both sides, keeping in mind the ratio set forth in the rules of ten for defendants and six for the government. There will be fourteen jurors, of whom two will be alternates, and if not earlier used, will be excused before jury deliberations begin at the end of the case. Each side’s last strike will be designated as an alternate, so that counsel must number their strikes

or otherwise indicate on the list which juror is their last strike. Those persons will be sworn as jurors and will not be told that they are alternates until they are excused at the end of the case. If it is necessary to use one of the alternates as a regular juror, that person will be chosen by the court by lot.

It should be noted that this method of selection of alternates is slightly different from that prescribed by the rules, *see* Fed. R. Crim. P. 24(c), and it will be assumed that the parties have no objection to the above-described method unless such objection is made before jury selection begins. *See United States v. Love*, 134 F.3d 595, 600-603 (4th Cir. 1998).

Counsel is reminded that the Fourth Circuit has ruled that “reasonable doubt” should not be defined and counsel will not be permitted to advise the jury of any such definition in voir dire, opening statements, or argument.

After the jury is sworn, standard preliminary instructions will be given by the court. Jurors will be told that they are permitted to take notes.

At the end of the case, following final instructions from the court and before jury deliberations commence, the identity of the alternates will be confirmed and those persons separated from the jury. At this time, in the absence of the jury, counsel should take the opportunity to place on the record any objections to the court's charge to the jury which have not previously been made.

ENTER: July 11, 2003

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United States District Judge